UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,321	10/19/2000	Mohamed M. Abdelaziz	5181-57700	8845

7590 01/24/2005

Robert C. Kowert
Conley, Rose & Tayon PC
PO Box 398
Austin, TX 78767-0398

EXAMINER	
SINGH, RACHNA	
ART UNIT	**PAPER NUMBER**
2176	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/693,321	ABDELAZIZ ET AL.	
	Examiner	Art Unit	
	Rachna Singh	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Request for Reconsideration filed 8/4/04.

2. Claims 1-57 are pending. Claims 1, 24, 42, and 46 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 9, 11, 13-26, 29, 31-49, 51, and 53-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Ballantyne et al., US 6,687,873 B1, 2/3/04 (filed 3/9/00).

In reference to claim 1, Ballantyne teaches a method and system of outputting data in XML format using an XML schema. Ballantyne's system discloses the following: -Generating a model of a program application by automatically identifying one or more incidents within each program application. The incidents are used to model the report functions of the legacy computer system such as by a report data model that lists the values and types of written data fields from the legacy program applications. The list of report incidents are augmented by a formal grammar that is used to relate XML schema to the output reported by the legacy program applications. The modeling engine

provides the report data model identifying the report incidents to the mapping engine and modeling GUI. The mapping engine maps the report data incidents from the report data model to the XML schema and the relationship is displayed on the modeling GUI. See column 6, lines 10-65. Compare to ***"accessing a presentation schema in the distributed computing environment, wherein the presentation schema includes information for presenting results data for clients in the distributed computing environment"***.

-Allowing a user to access "report" information such as invoices, billing statements, etc. See column 17, lines 15-67. Compare to ***"accessing results data for a client in a distributed computing environment"***.

-Outputting the XML formatted data using the XML schema generated from the legacy system. See columns 17-18. Compare to ***"presenting the results data for the client in accordance with the information from the presentation schema"***.

In reference to claim 2, Ballantyne's system comprises a service in the computing environment that generates results data (such as invoices, billing statements) prior to accessing the report data. They are called internal reports that are available for storage on a database in XML database.

In reference to claims 3 and 4, Ballantyne teaches generating the report data in response to a user requesting information via email or another retrieval system such as the Internet. The user may request billing statements or invoices. The data presentation language used by Ballantyne is XML. See columns 17-18.

In reference to claim 5, Ballantyne teaches accessing report data for the user wherein the report data can be delivered in XML formatted billing statements or invoices. See column 17.

In reference to claims 6-7, Ballantyne teaches outputting the XML data on a display device. The results data would be outputted to a "space" in a computing environment.

In reference to claim 9, Ballantyne teaches that services such as Electronic Bill Presentment can provide the presentation schema used to generate the XML output. See column 17.

In reference to claim 11, Ballantyne teaches that the output of the XML schema can be an XML document.

In reference to claims 13 and 14, Ballantyne teaches that the results data can be presented in visual format for display on a display device. See columns 17-18.

In reference to claim 15, Ballantyne teaches the use of a presentation schema in the form of XML schema wherein the schema can comprise presentation characteristics of data elements. See columns 6-8. The user may also modify the schema.

In reference to claim 16, Ballantyne teaches accessing a first presentation elements and locating one or more data elements within. Ballantyne's system comprises a hierarchy of the XML schema wherein the depth of the element corresponds to its position in the tree structure. See figure 7 and column 11. The tree structure of the XML schema can be used to access data elements by traversing the tree. See columns 11-12.

In reference to claim 17, Ballantyne teaches accessing the data elements in the tree structure of the schema. See columns 11-12.

In reference to claim 18, Ballantyne's system is a data presentation system.

In reference to claim 19, Ballantyne's system can take place over a network where a client would use one device and the process would occur in another device.

In reference to claims 20-22, Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received.

In reference to claim 23, Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be provided by the client by formatting the schema in the model GUI. See columns 6-8.

Claims 24-26, 29, and 31-35 are rejected under the same rationale used in claims 1, 3, 4, 11, 13, 14, 16, 17, and 18 respectively above.

In reference to claim 36, Ballantyne's system can take place over a computer system and network in which one device sends a message to a service device and the service device generates results. See column 17-18.

In reference to claim 37, Ballantyne teaches that the client's device can include a display. See column 17 and 18.

In reference to claim 38, Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received.

In reference to claim 39, Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received.

In reference to claim 40, Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received.

In reference to claim 41, Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received.

In reference to claim 42, Ballantyne teaches that the presentation schema advertisement can be stored in a storage device on the service device. See columns 17-18. Ballantyne teaches a storage device. See column 17-18. Ballantyne teaches that reports, billing statements, and other information can be formatted in XML can be archived and retrieved in a relational database. See column 17. Compare to ***"a service device configured to store a presentation schema advertisement on the storage device"***. Ballantyne further discloses presenting results data produced by the database on browser technology. See columns 17-18.

In reference to claim 43, Ballantyne teaches that the service device can generate report data upon receiving a request for the report data. See columns 17-18.

In reference to claim 44, Ballantyne teaches outputting the XML data on a display device. The results data would be outputted to a "space" in a computing environment.

In reference to claim 45, Ballantyne teaches outputting the XML data on a display device. The results data would be outputted to a "space" in a computing environment.

Claim 46 is rejected under the same rationale used in claim 1 above.

Claim 47 is rejected under the same rationale used in claim 3 above.

Claim 48 is rejected under the same rationale used in claim 1 above.

In reference to claim 49, Ballantyne discloses that the service provides the presentation schema. See columns 6-8 and columns 17-18.

Claims 51 and 53-57 are rejected under the same rationale used in claims 11, 14, 15, 16, 17, and 19 respectively above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 8, 10, 27-28, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al., US 6,687,873 B1, 2/3/04 (filed 3/9/00).

In reference to claims 8 and 27, Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data including advertisement. Although Ballantyne does not state "advertisements", the term "report data" could comprise an advertisement. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format including

invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as "result data" since and XML schema can be used to produce XML formatted data. See column 17.

In reference to claims 10, 28, and 50, Ballantyne teaches storing presentation schema in a storage device. See column 17, lines 15-25. Ballantyne teaches providing results data in the form of XML to a display device. The XML data may comprise invoices, billing statements, or any other type of report data including advertisement. Although Ballantyne does not state "advertisements", the term "report data" could comprise an advertisement. Moreover, one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format including invoices and advertisements, thus it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as "result data" since and XML schema can be used to produce XML formatted data. See column 17.

7. Claims 12, 30, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claims 8, 10, 27-28, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballantyne et al., US 6,687,873 B1, 2/3/04 (filed 3/9/00) in view of Sravanapudi et al., US 2001/0049603 A1, 12/6/01 (filed 3/8/01, provisional 3/10/00).

In reference to claims 12, 30, and 52 ,Ballantyne does not teach the presentation of report data in an audio format; however, Sravanapudi teaches a multimodal information system in which information can be delivered in a variety of formats including audio. See pages 1-3. It would have been obvious to one of ordinary skill in

the art at the time of the invention to incorporate Sravanapudi's audio presentation of result information in the system of Ballantyne since it allows a user to be reached via multiple channels and also allows the user to listen to the data through a sound system. See page 1 of Sravanapudi. Sravanapudi also teaches utilizing Voice XML as a means for rendering the data as audio. It would have been obvious to utilize Voice XML in Ballantyne's XML output presentation as it is a form of the representation language used. See page 5 of Sravanapudi.

Response to Arguments

8. Applicant's arguments filed 8/4/04 have been fully considered but they are not persuasive.

Applicant argues that Ballantyne does not teach or suggest accessing a presentation schema including information for presenting results data for clients, accessing results data for a client, and presenting the results data in accordance with the information from the presentation schema. Applicant argues that Ballantyne discloses a system and method for modifying program applications of a legacy computer system to directly output data in XML format. Examiner disagrees with Applicant with regards to the argument that Ballantyne does not teach accessing a presentation schema including information for presenting results data for clients. Ballantyne teaches a method for modifying program applications of a legacy computer system to directly output data in XML format models, maps the model to an XML schema and automatically modifies one ore more applications to output XML formatted data in cooperation with a writer engine and a context table. Ballantyne's system

provides a transformation of output from legacy computer systems to an XML format. Specifically, a means for reporting data is provided in which a model of the program application is generated, the model is mapped to an XML schema, and based on the mapping, the application of the legacy computer system is automatically modified to output data into XML format. Ballantyne discloses a commercial application in which an Electronic Bill Presentment and payment are provide. Invoice data files are modified to be output in XML format. See column 17.

Applicant argues that the XML schema disclosed by Ballantyne is not used in the output of XML-formatted data generated by the legacy system, but instead is used in generating a specification for modification of the application to directly output XML data. Applicant's argument appears to distinguish outputting XML formatted data from a legacy system from generating a specification for modification using an XML schema to directly output XML data. Examiner cannot understand the position the Applicant is taking. Applicant is requested to clarify the argument. Ballantyne's system provides a transformation of output from legacy computer systems to an XML format. Specifically, a means for reporting data is provided in which a model of the program application is generated, the model is mapped to an XML schema, and based on the mapping, the application of the legacy computer system is automatically modified to output data into XML format. Ballantyne discloses a commercial application in which an Electronic Bill Presentment and payment are provide. Invoice data files are modified to be output in XML format. See column 17.

Applicant argues with respect to claim 42 that Ballantyne does not teach the limitations recited by claim 42. Specifically, Applicant argues that Ballantyne discloses a system for *modifying* program applications to directly output data in XML format; however, he does not teach a presentation schema advertisement or a service device configured to produce results data. Ballantyne teaches that the presentation schema advertisement can be stored in a storage device on the service device. See columns 17-18. Ballantyne teaches a storage device. See column 17-18. Ballantyne teaches that reports, billing statements, and other information can be formatted in XML can be archived and retrieved in a relational database. See column 17. Compare to ***"a service device configured to store a presentation schema advertisement on the storage device"***. Ballantyne further discloses presenting results data produced by the database on browser technology. See columns 17-18.

Applicant argues with respect to claims 12, 30, and 52 that Sravanapudi's March 10, 2000 filing data cannot be used as a prior art date unless subject matter is common. Applicant is advised to review the provisional application 60188320 via Public PAIR as recited in the last office action. A full disclosure of the provisional application is available. The subject matter in the provisional application and the Published Patent application is common and the claims are supported by the provisional application. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30-6).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS
1/18/05

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER